

MEMORANDUM

Agenda Item No. 7(I)

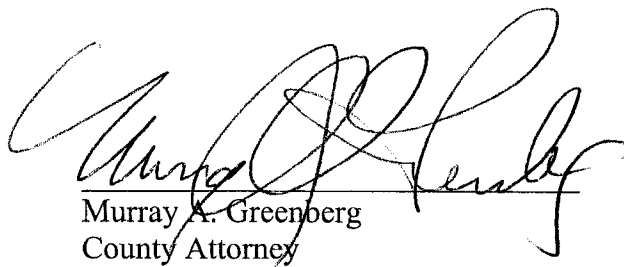
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance repealing
Section 2-11.17 of the
Code relating to
residency requirements

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman, Commissioner Natacha Seijas and Commissioner Katy Sorenson.


Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance repealing Section 2-11.17 of the Code of Miami-Dade County; setting forth residency requirements for Miami-Dade County Employees

This ordinance repealing Section 2-11.17 of the Code of Miami-Dade County setting forth residency requirements for Miami-Dade County employees will have no fiscal impact to Miami-Dade County.

The ordinance eliminates the requirement that an employee must reside in Miami-Dade County. It further creates the potential of attracting a larger, more competitive applicant pool.

A handwritten signature in black ink, appearing to read "Aleat Hndak 9/24/05", written over a horizontal line.
Assistant County Manager

fiscal05805

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in dark ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Supplemental information pertaining to the Residency Ordinance

This supplemental information is provided in response to the request of the Internal Management and Fiscal Responsibility Committee on September 15, 2005 in order to provide additional information relevant to the Residency Ordinance.

At the request of Chairperson Barbara Carey-Shuler, an informal survey was conducted by the Employee Relations Department to obtain information regarding residency requirements from the surrounding counties of Monroe, Broward and Palm Beach. The survey findings reflect that these counties do not have a residency requirement.

Miami-Dade County is affected by the same labor market trends experienced throughout the private and public sector with regard to the availability of qualified candidates in the job market to fulfill our ongoing employment needs. The labor market trend is increasingly affected by issues such as an aging workforce and a diminishing labor pool for a wide variety of occupational fields. The competition for many skilled and professional positions has been well documented in a number of academic studies and articles pertaining to this subject matter.

The County needs to remain competitive in the labor market and attract the widest possible pool of qualified candidates in order to maintain a high level of service to the community. Discouraging highly qualified candidates from neighboring counties from pursuing careers with Miami-Dade County because their life situation or family status makes it disruptive to relocate to Miami-Dade County does exacerbate this labor market trend and places the County in a significantly less competitive position. Specifically, ERD has identified this problem in particular with the recruitment efforts for auditing, financial, information technology and engineering trades.

A handwritten signature in dark ink, appearing to read "Mimi T. Hurdle", written over a horizontal line.
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(I)
11-1-05

ORDINANCE NO. _____

ORDINANCE REPEALING SECTION 2-11.17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SETTING FORTH RESIDENCY REQUIREMENTS FOR MIAMI-DADE COUNTY EMPLOYEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11.17 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-11.17. Residency condition for new employees.

1. As of the effective date of this section, no person shall be newly employed by Miami-Dade County or any of its authorities, agencies or instrumentalities unless resident in Miami-Dade County or unless prepared to sign a covenant that he or she will move to Miami-Dade County within fifteen (15) months of employment by the County.

2. All employees of Miami-Dade County hired after the effective date of this section shall maintain their domicile and principal place of residence within the corporate limits of Miami-Dade County during the period of their employment with Miami-Dade County.

3. Any employee of Miami-Dade County hired after the effective date of this section that does not at all times during such employment maintain his or her domicile and principal place

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

of residence in Miami-Dade County may be dismissed from County service. Newly hired employees who fail to establish residence in Miami-Dade County within fifteen (15) months, will not be eligible to request a residency waiver.

4. This provision shall not be construed to deprive any employee of rights provided by a collective bargaining agreement.

5. The County Manager is authorized to waive the residency requirements for humanitarian reasons. Humanitarian reasons, include, but are not limited to, events that may lead to serious disruption to an employee's family care arrangement, or an immediate family member's health care, special educational or therapeutically dependent care needs.

>>6. The County Manager is authorized to waive the residency requirement when the available local labor market does not yield the expertise sought or it is in the best interest of the County to employ such a non-county resident.<<

[[6.]]>>7.<< Quarterly, the County Manager shall submit to the County Commission a list of waivers granted and the reasons for said waivers.

[[7.]]>>8.<< The Building Department is authorized to hire plans examiners and building inspectors in all trades who reside in Broward County. New employees in these job classifications will not be required to move to Miami-Dade County.

[[8.]]>>9.<< The Aviation Department is authorized to hire non Miami-Dade County residents to work only at the Dade-Collier Training and Transition Airport (TNT).

[[9.]]>>10.<< All sworn classifications within the Corrections & Rehabilitation Department, Miami-Dade Fire Department and Miami-Dade Police Department will be exempt from the residency requirement.



Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

William X. Candela

Sponsored by Commissioner Sally A. Heyman,
Commissioner Natacha Seijas and
Commissioner Katy Sorenson